

### **REMARKS/ARGUMENTS**

The present amendment is in response to the Office Action mailed September 29, 2003, in which Claims 1 through 9, 19 through 22, 24 through 39 and 48 were rejected. . Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Claims 1, 19, 20, 21, and 22 are amended herein. Claims 35 through 39 are cancelled herein. No claims are added. Accordingly, Claims 1 through 9, 19 through 22, 24 through 34 and 48 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

## **DRAWING OBJECTIONS**

With respect to Paragraph 2 of the Office Action, the Examiner objected to Figures 1 and 2 as requiring a legend such as --Prior Art--. Applicants have amended these figures to include the appropriate legend.

Reconsideration and withdrawal of the Examiner's objections to the drawing are respectfully requested.

## **CLAIM REJECTIONS – 35 U.S.C. SECTION 112, 1<sup>ST</sup> PARAGRAPH**

With respect to Paragraphs 3 and 4 of the Office Action, the Examiner rejected Claims 1 through 9, 19 through 22, 24 through 39 and 48 under 35 U.S.C. Section 112, first paragraph, as failing to comply with the enablement requirement.

Applicants respectfully traverse this rejection.

Applicants have amended Claims 1, 20, 21 and 22 by deleting language related to software.

Applicants respectfully request that the Examiner's rejections under 35 U.S.C. Section 112, 1<sup>st</sup> Paragraph, be reconsidered and withdrawn.

### **CLAIM REJECTIONS – 35 U.S.C. SECTION 112, 2<sup>ND</sup> PARAGRAPH**

With respect to Paragraphs 5 and 6 of the Office Action, the Examiner rejected Claims 1 through 9, 19 through 22, 24 through 39 and 48 under 35 U.S.C. Section 112, second paragraph, as being indefinite.

Applicants respectfully traverse this rejection.

With respect to Applicants' omission of subjecting the extract to UV or VIS electromagnetic radiation before obtaining 3D chromatograms, Applicants respectfully submit that the method as claimed recites the required steps and that no step is omitted.

With respect to Applicants' omission of subjecting the material to a chromatographic separation in Claims 19 through 22, Applicants respectfully submit that as these claims are dependent upon independent Claim 1, the step of chromatographic separation is included therein and that no additional recitation is required.

With respect to the Examiner's rejection of Claims 20 through 22, these claims have been amended to remove the reference to software, thus rendering this aspect of the rejection moot.

With respect to the Examiner's rejection of Claims 35 through 39, these

claims have been cancelled, thus rendering this aspect of the rejection moot.

With respect to the Examiner's rejection of Claim 48, this claim has been amended to provide a more specific use of the present invention.

Applicants respectfully request that the Examiner's rejections under 35 U.S.C. Section 112, 2<sup>nd</sup> Paragraph, be reconsidered and withdrawn.

### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 248-433-7552 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Applicants respectfully request that a timely Notice of Allowance be issued  
in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Moga', with a long horizontal line extending to the right.

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Dated: **January 29, 2004**